

## REMARKS

This amendment and the remarks in this amendment are in response to the Office Action mailed October 3, 2006. Claims 1 through 51 are currently pending in the application. Claims 1 through 51 stand rejected. Applicants have amended claims 1, 3, 5, 7, 12-29, 31, 33-37 and 39-51, and respectfully request reconsideration of the application as amended herein.

### **35 U.S.C. § 102(b) Anticipation Rejections**

#### Anticipation Rejection Based on European Pat. App. EP 1 024 661 A2 to Gagnon et al.

Claims 1-7, 9-16, 18-20, 22-27, 29-36, 39-44, and 46-50 stand rejected under 35 U.S.C. § 102(a) as being anticipated by Gagnon et al. (European Patent No. EP 1 024 661 A2). Applicants respectfully traverse this rejection, as hereinafter set forth.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Applicants submit that the Gagnon reference does not and cannot anticipate under 35 U.S.C. § 102 the presently claimed invention of:

Independent claim 1 and claim 2 depending therefrom;  
Independent claim 3 and claim 4 depending therefrom;  
Independent claim 5 and claim 6 depending therefrom;  
Independent claim 7 and claims 9-11 depending therefrom;  
Independent claim 12 and claims 13-16 and 18 depending therefrom;  
Independent claim 19 and claims 20 and 22 depending therefrom;  
Independent claim 23 and claims 24-27 and 29-33 depending therefrom;  
Independent claim 34 and claims 35 and 36 depending therefrom;  
Independent claim 39 and claims 40-44 and 46 depending therefrom;  
Independent claim 47 and claims 48-50 depending therefrom,

because the Gagnon reference does not describe, either expressly or inherently, the identical inventions in as complete detail as are contained in the claims.

Applicants' independent claims as variously amended specifically recite:

1. In a wireless communication system supporting a broadcast service, a method comprising: transmitting a broadcast session on a broadcast transmission channel; and *transmitting broadcast overhead information with the broadcast session on the broadcast transmission channel*, wherein the broadcast overhead information

*provides information to a receiver* for processing the broadcast session.  
(Emphasis added.)

3. A method of transmitting a communication signal on a carrier wave, the signal comprising:  
transmitting a broadcast session portion; and  
*transmitting a session description protocol message (SDP message) interleaved with the broadcast session portion*, wherein the SDP *provides information to a receiver* for processing the broadcast session. (Emphasis added.)
5. In a wireless communication system supporting a broadcast service, a method comprising:  
*receiving a session description protocol (SDP) message corresponding to the broadcast session on the broadcast channel*, wherein the SDP message *provides information to a receiver* for processing the broadcast session;  
accessing a broadcast session on a broadcast channel; and  
processing the broadcast session using the SDP message. (Emphasis added.)
7. A wireless apparatus, comprising:  
means for receiving a broadcast service parameter message corresponding to a broadcast session;  
*means for receiving an SDP corresponding to the broadcast session in a broadcast stream*, wherein the SDP message *provides information to a receiver* for processing the broadcast session; and  
means for processing the broadcast session using the SDP. (Emphasis added.)
12. A method for indicating broadcast session protocol, comprising:  
*multiplexing an information identifying a broadcast session protocol with a content of the broadcast session to provide a broadcast stream*; and  
transmitting the broadcast stream on a broadcast transmission channel, wherein the information identifying the broadcast session protocol *provides information to a receiver* for processing the broadcast session. (Emphasis added.)
19. A method indicating broadcast session protocol, comprising:  
receiving a broadcast stream;  
*determining an information in the broadcast stream identifying a broadcast session protocol in accordance with the received broadcast stream*; and  
processing the broadcast stream in accordance with the determined information if a receiving station contains the broadcast session protocol. (Emphasis added.)
23. A method for indicating broadcast session protocol, comprising:  
*multiplexing an information identifying a broadcast session protocol with a content of the broadcast session to provide a broadcast stream*; and  
providing the broadcast stream for transmission, wherein the information identifying the broadcast session protocol *provides information to a receiver* for processing the broadcast session. (Emphasis added.)
34. A method for indicating a broadcast session protocol, comprising:  
receiving a broadcast stream;  
*determining an information element in the broadcast stream*; and

processing the broadcast stream in accordance with the determined information element. (Emphasis added.)

39. A method for indicating broadcast session protocol, comprising:  
*multiplexing an information for a receiver for processing a broadcast session with a content of a broadcast session to produce a broadcast stream; and*  
transmitting the broadcast stream on a broadcast transmission channel. (Emphasis added.)
47. A method indicating broadcast protocol options, comprising:  
receiving a broadcast stream;  
*determining an information to a receiver in the broadcast stream for processing a broadcast session; and*  
processing the broadcast stream in accordance with the determined information.  
(Emphasis added.)

For example with respect to claim 1, Applicants' claim recites, in part, "*transmitting broadcast overhead information with the broadcast session on the broadcast transmission channel*". The Office Action alleges the Gagnon reference discloses 'transmitting a broadcast session on a broadcast channel' and 'transmitting broadcast overhead *with* the broadcast session', but the Gagnon reference in fact does not disclose, in as complete detail as claimed by Applicants, Applicants' invention as presently claimed including "transmitting broadcast overhead information ... *on* the broadcast transmission channel".

Specifically, the Office Action alleges:

With respect to claim 1, Gagnon et al. discloses ... *transmitting a broadcast session on a broadcast transmission channel* (See page 7 paragraph 31 and Figure 1 of Gagnon et al. for reference to broadcasting a broadcast session from a transmission station 102 to a receiver station 106 via a satellite/relay 104). Gagnon et al. further discloses *transmitting broadcast overhead information with the broadcast session* (See page 8 paragraph 36 of Gagnon et al. for reference to including session description protocol plus (SDP+) records in the broadcast sessions). (Office Action, pp. 2-3; emphasis added.)

Applicants respectfully rely upon the precise disclosure of the cited reference, and recite the entirety of the Gagnon reference's paragraph [0036] below. Paragraph [0036] of the Gagnon reference actually discloses:

[0036] To inform the user of when and on what IP address the large file mentioned above will be broadcast, *session description protocol plus (SDP+) records are periodically broadcast by the transmission station 102*. SDP + records are the subject of a co-pending commonly assigned application entitled \_\_\_\_\_, filed on \_\_\_\_\_ and bearing serial no. \_\_\_\_/\_\_\_\_\_. SDP + records are processed by the receiver station 106 to produce a schedule of all data service information that will be broadcast by the transmission station 102. Additionally, the SDP + records are used by the PC 128 to build PPG pages using selected information resident within the PC system (e.g., a basic page template) and selected dynamic data that is received from the satellite or an Internet connection. When the user launches the interface into another state or page, the PPG builds the destination page as

instructed by the SDP + records and displays it on the user's PC system monitor 130. More details about the SDP + records are provided in Section I of this disclosure in connection with the descriptions of FIGS. 16A-16D. (Gagnon, [0036]; emphasis added).

As respectfully noted, the Office Action's alleged disclosure of "*Gagnon et al. further discloses transmitting broadcast overhead information with the broadcast session (See page 8 paragraph 36 of Gagnon et al. for reference to including session description protocol plus (SDP+) records in the broadcast sessions)*" is **not** actually disclosed in the Gagnon reference and specifically is not disclosed in the Office Action's citation, as alleged, of paragraph [0036] which merely discloses that "*(SDP+) records are periodically broadcast by the transmission station*".

Furthermore, the Gagnon reference is very clear that the SDP + record is a programming guide that is **consumed by the user** for making available programming selections. Specifically, Gagnon discloses:

An SDP+ record is an announcement mechanism that includes a number of fields, which are assembled into a single record of file to provide information on available services such as webcasts, down-loads, and streaming data or other services. (Gagnon, [0084], lines 1-5).

Each download service (e.g., each webcast, each software download, etc.) has its own SDP + record, which is broadcast to all subscribers to inform them of the information that is available for download. (Gagnon, [0085], lines 7-10).

The system user (client) uses SDP + records to schedule program reception. After the client makes selections based on the SDP + record information, the receiver station 106 properly tunes itself to receive the selected information. (Gagnon, [0087], lines 11-15).

Exactly how the "receiver station 106 properly tunes itself to receive the selected information" is not further described in the Gagnon reference, however, the Gagnon reference is abundantly clear that the "**client makes selections based on the SDP + record information**" and the "**user (client) uses SDP + records to schedule program reception**".

The Office Action's Response to Arguments section alleges:

Gagnon et al. discloses SDP + records containing a combination of SDP fields and augmentations including a protocol version field, the type of broadcast (e.g., BFD, Stream, Webcast, or Intericast), sorting information and filtering information, which are all types of information used to process the broadcast session (See page 16 paragraph 84 of Gagnon et al.). Each of the *protocol version*, type of broadcast, sorting information, and filtering information, are types of information [that] are used for processing the broadcast session in addition to just making reception of the broadcast session feasible. (Office Action, p. 19; emphasis added.)

Applicants respectfully disagree. Specifically, the alleged "*protocol version*" referred to in the Office Action relates to "the version of the SDP + protocol used to produce this SDP +

record” and not information for processing the broadcast session. (Gagnon, [0090], lines 3-4). Furthermore, the alleged “type of broadcast”

Further recitations from the Gagnon reference substantiate Applicants’ positions in opposition to the characterization of the Gagnon reference. Specifically, the Gagnon reference discloses:

A preferred broadcasting system is the satellite-based system utilized by the DIRECTV® broadcast service. Such embodiments . . . employ a satellite receiving antenna to acquire real-time video broadcasts and **periodic data broadcasts** used to construct a program guide display. (Col. 11, lines 6-12; emphasis added).

In operation, the programming sources 108 receive video and audio programming from a number of sources, . . . . The received programming signals, along with data signals from the **control data source 110 [note- the Gagnon reference provides no further enabling disclosure on the function or purpose of these signals], the data service source 112 [note-again, the Gagnon reference provides no further enabling disclosure on the function or purpose of these signals],** and the program guide data sources 114, are sent to the video/audio/data encoding system 116 where they are digitally encoded into information data streams that are multiplexed into a packetized data stream or bit stream using a number of conventional algorithms. Each data packet within the packetized data stream includes a header that identifies the contents of the data packet and a service channel identifier (SCID) that identifies the data packet. (Col 11, line 46 through col. 12, line 2; emphasis added).

. . . . The PPG [pictographic program guide] . . . is assembled using two basic types of external data: (1) real-time broadcast data (e.g. streaming data), and (2) file data (i.e., data that is periodically downloaded and stored). (Col. 12, lines 42-46).

Applicants respectfully submit that the Gagnon reference does not disclose either *“transmitting broadcast overhead information/message . . . on the broadcast transmission channel”* or *“information to a receiver [] for processing [a] broadcast channel/session”* as claimed in Applicants’ independent claims 1, 3, 5, 7, 12, 23, 39, and 47 or *“processing the broadcast stream in accordance with the determined information”* as claimed in Applicants’ independent claims 19 and 34.

Therefore, since the Gagnon reference does not disclose each and every element of Applicants’ invention as presently claimed, the Gagnon reference **cannot** anticipate under 35 U.S.C. §102 Applicants’ invention as presently claimed in independent claims 1, 3, 5, 7, 12, 19, 23, 34, 39, 47 and claims 2, 4, 6, 9-11, 13-16, 18, 20, 22, 24-27, 29-33, 35, 36, 40-44, 46, 48-50 depending variously therefrom. Accordingly, Applicants respectfully request the rejections be withdrawn.

**35 U.S.C. § 103(a) Obviousness Rejections****Obviousness Rejection Based on the Gagnon Reference in View of U.S. Patent No. 6,032,197 to Birdwell et al.**

Claim 8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable Gagnon et al. (European Patent No. EP1024661A2) in view of Birdwell et al. (U.S. Patent No. 6,032,197). Applicants respectfully traverse this rejection, as hereinafter set forth.

The nonobviousness of independent claim 7 precludes a rejection of claim 8 which depends therefrom because a dependent claim is obvious only if the independent claim from which it depends is obvious. *See In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988), *see also* MPEP § 2143.03. Therefore, the Applicants request that the Examiner withdraw the rejection to independent claim 7 and claim 8 which depends therefrom.

**Obviousness Rejection Based on the Gagnon Reference in View of European Pat. No. EP1024661A2 to Rustad et al.**

Claims 17, 28, and 45 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gagnon et al. (European Patent No. EP1024661A2) in view of Rustad et al. (U.S. Patent No. 6,775,303). Applicants respectfully traverse this rejection, as hereinafter set forth.

The nonobviousness of independent claims 12, 23, 39 preclude a rejection of claims 17, 28, 45 which depend therefrom because a dependent claim is obvious only if the independent claim from which it depends is obvious. *See In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988), *see also* MPEP § 2143.03. Therefore, the Applicants request that the Examiner withdraw the rejection to independent claims 12, 23, 39 and claim 17, 28, 45 which depend therefrom.

**Obviousness Rejection Based on the Gagnon Reference in View of U.S. Patent No. 6,580,756 to Matsui et al.**

Claims 21, 37-38, and 51 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gagnon et al. (European Patent No. EP1024661A2) in view of Matsui et al. (U.S. Patent No. 6,580,756). Applicants respectfully traverse this rejection, as hereinafter set forth.

The nonobviousness of independent claims 19, 34, 47 preclude a rejection of claims 21, 37-38, and 51 which depend therefrom because a dependent claim is obvious only if the independent claim from which it depends is obvious. *See In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988), *see also* MPEP § 2143.03. Therefore, the Applicants request that the Examiner withdraw the rejection to independent claims 19, 34, 47 and claim 21, 37-38, and 51 which depend therefrom.

**CONCLUSION**

Claims 1-51 are believed to be in condition for allowance, and an early notice thereof is respectfully solicited. Should the Examiner determine that additional issues remain which might be resolved by a telephone conference, he is respectfully invited to contact Applicants' undersigned attorney.

Respectfully submitted,

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QUALCOMM Incorporated  
Attn: Patent Department  
5775 Morehouse Drive  
San Diego, California 92121-1714  
Telephone: (858) 658-5102  
Facsimile: (858) 658-2502

By: /Ramin Mobarhan/

Ramin Mobarhan, Reg. No. 50,182  
(858) 658-2447